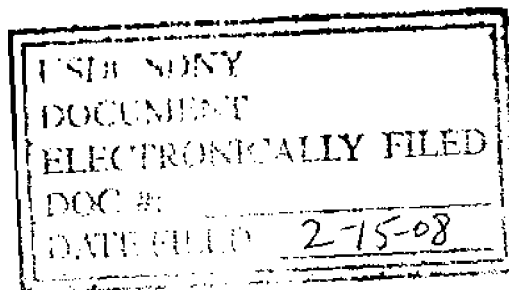


KEENAN, J

Norman C. Kleinberg (NK 2735)
Theodore V. H. Mayer (TM 9748)
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Attorneys for Defendant Merck & Co., Inc.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE: :

Fosamax Products Liability Litigation :

1:06-md-1789 (JFK)

-----X
This Document Relates to: :

Lela Calloway :

v. Merck & Co., Inc. :

Case No: 1:07-cv-6883-JFK
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STIPULATION AND ORDER OF DISMISSAL WITHOUT PREJUDICE

IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff Lela Calloway and Defendant Merck & Co., Inc., ("Merck") through their respective undersigned counsel, as follows:

1. This case having been resolved upon the agreement of Plaintiff to voluntarily dismiss without prejudice her claims against Merck in the above-captioned case and the agreement of Merck not to seek from Plaintiff its fees and costs, this case is hereby dismissed without prejudice pursuant to Fed. R. Civ. P. 41(a)(1)(ii).

2. Plaintiff further agrees to re-file any suit based on any similar claims related to Fosamax against Merck, any of Merck's subsidiaries, agents, distributors, employees, sales representatives, or against any pharmacy in this Court.

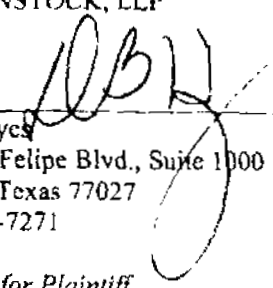
3. Each party is to bear its own costs and attorneys' fees.

Dated: December __, 2007


REICH & BINSTOCK, LLP

HUGHES HUBBARD & REED LLP

By


Debra Hayek
4265 San Felipe Blvd., Suite 1000
Houston, Texas 77027
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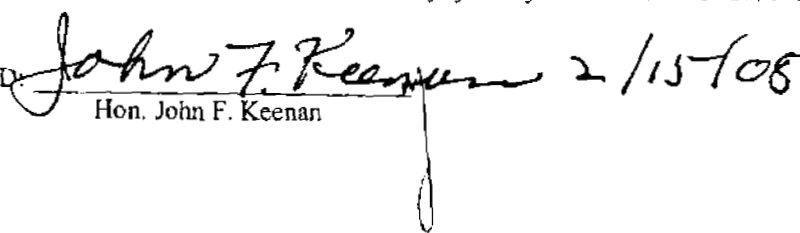
By


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Attorneys for Plaintiff

Attorneys for Defendant Merck & Co, Inc.

SO ORDERED:


Hon. John F. Keenan